

1 GAIL C. TRABISH, ESQ. (SBN 103482)
gtrabish@bjg.com
2 BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation
3 555 12th Street, Suite 1800
Oakland, CA 94607
4 Telephone: (510) 834-4350
Facsimile: (510) 839-1897

5 Attorneys for Defendant
6 TARGET CORPORATION

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 ELVERA BERSON)

12 Plaintiff)

13 vs.)

14 TARGET CORPORATION,)
15 and DOES 1-50)

16 Defendants)

Case No.:

**PETITION FOR REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
§1441(b) [DIVERSITY]**

Complaint Filed: January 9, 2015
[Marin County Superior Court Case # CIV1500099]

17
18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:
19

20 PLEASE TAKE NOTICE that defendant TARGET CORPORATION (hereinafter
21 "TARGET") hereby removes to this Court the state court action described below.
22

23
24 **JURISDICTION**

25 1. Defendant TARGET is informed and believes that Plaintiff ELVERA BERSON is a
26 citizen of the State of California, and was at the time of the filing of the Complaint and this
27 Petition for Removal.

28 2. Defendant TARGET is a Minnesota corporation whose principal place of business

1 is Minneapolis, Minnesota.

2 3. TARGET is a publicly held corporation whose chairman and chief executive officer
3 is Brian C. Cornell.

4 4. Defendant TARGET is not a citizen of the state in which this action is pending.

5 5. The matter in controversy allegedly exceeds the sum of \$75,000.00, exclusive of
6 interest, attorney's fees and costs.

7 6. This court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

8
9 **GROUND FOR REMOVAL**

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11 7. On January 9, 2015, a civil action was commenced in the Marin County Superior
12 Court of the State of California, Unlimited Jurisdiction, entitled *Elvera Berson v. Target*
13 *Corporation, et al.*, Action No. CIV 1500099. In said complaint, plaintiff alleges damages arising
14 out of an incident at the Novato, California, Target store on September 10, 2014. A true and
15 correct copy of the complaint is attached hereto as **Exhibit A**.

16 8. Defendant TARGET was served with a copy of said Complaint on February 25,
17 2015, and a correct copy of the Service of Process Transmittal is attached hereto as **Exhibit B**.

18 9. Defendant TARGET has not yet filed an answer to plaintiff's complaint.

19 10. Given the injuries attributed to this incident, i.e. a fracture hip with subsequent
20 surgery, it is believed that the amount in controversy is in excess of \$75,000.

21 11. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332, and
22 the complaint is one which may be removed to this Court by defendant TARGET pursuant to the
23 provisions of 28 U.S.C. §1441(b), in that it is a civil action between citizens of different states, and
24 the amount in controversy allegedly exceeds the sum of \$75,000.00, exclusive of interest and
25 costs.

26 12. Defendant TARGET believes that no other defendant has been served.

27 Based on the foregoing, Defendant TARGET respectfully requests that this Court accept
28 removal of this action.

1 DATED: March 24, 2015

2 BOORNAZIAN, JENSEN & GARTHE
3 A Professional Corporation

4 By: /s/ Gail C. Trabish

5 Gail C. Trabish, Esq.
6 Attorneys for Defendant
7 TARGET CORPORATION

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CERTIFICATE OF SERVICE
(28 U.S.C. §1746)

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, Oakland, California 94607.

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **PETITION FOR REMOVAL**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Attorneys for Plaintiff
ELVERA BERSON
Jannik P. Catalano
CATALANO LAW GROUP
1686 Bryant Street
San Francisco, CA 94103
Tele: 415-436-9236
Fax: 877-689-0676
jannik@catlawgroup.com

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on March 24, 2015.

/s/ Carmen Kalt

Carmen Kalt

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